

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Applicant and the undersigned wish to thank Examiner Singh for the courtesies extended during the telephone interview of January 10, 2008. The amendment proposed during the telephone interview is presented above and the arguments made during the interview are repeated herein for the record. During the telephone interview, the Examiner advised that proposed amended claim 1 raised new issues requiring further consideration and/or search, and, therefore, would not be entered after final under Rule 116. Accordingly, this amendment is submitted together with a Request for Continued Examination.

Claims 1-3, 5-7, 17-20 were rejected under 35 USC 102(b) as anticipated by WO 00/46486 (WO '486). Applicant respectfully traverses this rejection.

In the response filed April 11, 2007, applicant asserted that WO '486 does not teach a "first axial friction bearing disposed to react axial forces while accommodating induced rotation of the cutting disc when operatively engaged and to induce a rotational drag thereby limiting rotational speed of the cutting disc when free running". In this regard, while applicant acknowledged that WO '486 addresses the same issue of over-speeding of the cutting disc when free running, WO '486 provides a different solution whereby a direct mechanical gear linkage between the disc 602 and the mounting plate 601 forces the disc to rotate at a speed proportional to the oscillating frequency.

The Examiner disagrees asserting that water-lubricated bearing (606) serves as a friction bearing structure and "thus the intended effects are realized. There is no evidence to the contrary". Applicant respectfully disagrees. Indeed, WO '486 does provide evidence contrary to the Examiner's characterization. Specifically, page 9, lines

30-32 of WO '486 states that "The bearing arrangement of Figure 7 includes annular bearings 605 and 606 which, in the embodiment illustrated, are anti-friction, water-lubricated bearings." Since the WO '486 reference provides no alternative embodiment where these bearings are disclosed as being friction-inducing, it is respectfully submitted that WO '486 does not provide a teaching of the bearing being friction inducing type as required by applicant's claims.

In contrast to the teachings of WO '486, and as argued in the prior response, it is clear that the bearing taught according to the present invention increases the friction between the annular flange and the housing so as to reduce the speed of the disc when free running.

To underscore the distinction between the type of bearing provided according to the invention and the type of bearing taught in WO '486, claim 1 has been amended above to even more specifically provide that the first axial friction bearing is a first axial friction inducing bearing.

As previously asserted, WO '486 uses a mechanical linkage illustrated at 616, described in the paragraph bridging pages 10 and 11. In this regard, the Examiner has said that applicant's arguments are more limiting than the claimed subject matter. In this regard, claim 1 has been amended above by stipulating that the bearings accommodate the generally free rotation of the cutting disc. Applicant respectfully submits that this implies that there is no mechanical linkage because generally free rotation of the cutting disc is accommodated.

It is further respectfully noted that claim 1 more specifically defines the first axial friction inducing bearing as disposed between the disc and the housing. This is in contrast to bearings 605,606 of WO '486 which are disposed between the cutting disc 602 and mounting plate 601 which, as disclosed by WO '486, is mounted for rotation

relative to the housing (see page 9, line 26- page 10, line 2 and page 10, line 28- page 11, line 5).

For all the reasons advanced above, it is respectfully submitted that WO '486 does not teach or suggest a radial bearing and a first axial friction inducing bearing each permitting or accommodating generally free rotation of the cutting disc while inducing a rotational drag between the disc and the housing thereby limiting rotational speed of the cutting disc when free-running to an angular velocity below that of the drive shaft. In fact, such an arrangement is contrary to that taught by WO '486 which specifically provides that rotation occurs by virtue of drag through bearing 609, 610 and 611 to cause mounting plate 601 to rotate about the same speed as the drive shaft 612. There is no teaching or suggestion whatsoever in WO '486 of rotational drag, particularly caused by a first axial friction inducing bearing limiting the rotational speed of the cutting disk to an annular velocity below that of the drive shaft.

For all the reasons advanced above, reconsideration and withdrawal of the rejection of claims 1-3, 5-7, and 17-20 based on WO '486 is solicited.

Claims 14-16 were rejected under 35 USC 103(a) as unpatentable over WO '486. These claims are submitted to be patentable for the same reasons as the claims noted above.

Claims 4 and 8-13 were rejected under 35 USC 103(a) as unpatentable over WO '486 in view of Cooper or Arvidsson or EP 0618377. Also, claims 1-20 were rejected under 35 USC 103(a) as unpatentable over WO '486 in view of Cooper or Arvidsson or EP 0618377. These claims are submitted to be patentable over WO '486 for the reasons advanced above. The Examiner's further reliance on Cooper, Arvidsson or EP '377 does not overcome the deficiencies of WO '486 noted above.

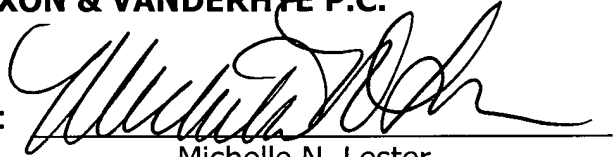
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All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read 'Michelle N. Lester', written over a horizontal line.

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